

STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

James R. Thompson Center
IDHS – Murdock Room
100 W. Randolph Street, Suite 5-300
Chicago, Illinois 60601

Meeting of Panel D
April 16, 2013
12:15 p.m.

MINUTES

Present:

Commissioners	Rozanne Ronen Nabi Fakroddin Merri Dee Lauren Beth Gash (non-voting)
Staff	Donyelle L. Gray Evelio Mora Bricia Herrera Michelle Prasad (Coles Fellow)
Public	none

I. Call to Order.

A meeting of Human Rights Commission Panel D was called to order on April 16, 2013 at 12:19 p.m. by Panel Chair Rozanne Ronen. The Panel meeting was slightly delayed due to Commissioner Ronen's train delay.

Pursuant to the Illinois Open Meetings Act, 5 ILCS 120/1 et seq., it was determined that:

- 1) A quorum of the public body was present at the meeting.

II. Consideration of Minutes.

The minutes of the meeting of February 13, 2013 were approved as submitted by staff. Motion made by Commissioner Nabi, seconded by Commissioner Dee. Motion carried 3-0.

III. Contested Matters

A. Riley T. Bell v. City of Chicago, Department of Streets and Sanitations
Charge No.: 2010CF2300 ALS No.: 11-0253

Pending before the Panel were the Complainant's Exceptions to the ALJ's Recommended Order and Decision ("ROD"). The Panel voted to decline review of the ROD and voted to adopt the ROD as the final Order and Decision of the Commission. Motion made by Commissioner Nabi, seconded by Commissioner Dee. Motion carried 3-0.

B. Kerri Williams v. Morse Automotive Corporation
Charge No.: 2005CF3022 ALS No.: 06-292

Pending before the Panel were the Complainant's Exceptions and the Respondent's Exceptions to the ALJ's Recommended Order and Decision ("ROD"). Also considered by the Panel: The Complainant's Motion for Rehearing; The Complainant's Motion for Finality; Complainant's Motion to Strike and Dismiss the Respondent's Response and Motion for a rehearing; The Respondent's Objections to Complainant's Motion to Strike and Dismiss; Respondent's Motion for an Extension of Time to File Exceptions; The Complainant's Motion to Strike and Dismiss the Respondent's Exceptions.

1. The Panel voted to decline review of the ROD and voted to adopt the ROD as the final Order and Decision of the Commission. Motion made by Commissioner Nabi, seconded by Commissioner Dee. Motion carried 3-0.
2. The Panel voted to deny the Complainant's Motion for Rehearing. Motion made by Commissioner Nabi, seconded by Commissioner Dee. Motion carried 3-0.
3. The Panel voted to strike the Complainant's Motion for Finality. Motion made by Commissioner Nabi, seconded by Commissioner Dee. Motion carried 3-0.
4. The Panel voted to deny the Complainant's Motion to Strike and Dismiss the Respondent's Response and Motion for a rehearing. Motion made by Commissioner Nabi, seconded by Commissioner Dee. Motion carried 3-0.
5. The Panel voted to strike Respondent's Motion for an Extension of Time to File Exceptions and Exceptions. Motion made by Commissioner Nabi, seconded by Commissioner Dee. Motion carried 3-0.

III. B Cont'd

6. The Panel voted to grant the Complainant's Motion to Strike and Dismiss the Respondent's Exceptions. Motion made by Commissioner Nabi, seconded by Commissioner Dee. Motion carried 3-0.

IV. Requests for Review

A. Gerald Gillon v. Burlington Coat Factory

Charge No.: 2009CN4744 ALS No.: 11-0533

The Panel vacated Count B of the Complainant's charge and remanded Count B to the Department for further investigation. The Panel sustained the dismissal of Count A of the Complainant's charge for Lack of Lack of Substantial Evidence. Motion made by Commissioner Nabi, seconded by Commissioner Dee. Motion carried 3-0.

B. Guillermo Herrate v. Gerber Collision & Glass

Charge No.: 2010CA3674 ALS No.: 11-0568

The Panel vacated Count A of the Complainant's charge and entered of finding of Substantial Evidence as to Count A. The Panel sustained the dismissal of Count B of the Complainant's charge for Lack of Lack of Substantial Evidence. Motion made by Commissioner Nabi, seconded by Commissioner Dee. Motion carried 3-0.

C. Franklin Pierce v. UPS

Charge No.: 2009CA3777 ALS No.: 11-0586

The Panel vacated Counts C and D of the Complainant's charge and remanded Counts C and D to the Department for further investigation. The Panel sustained the dismissal of Counts A and B of the Complainant's charge for Lack of Lack of Substantial Evidence. Motion made by Commissioner Nabi, seconded by Commissioner Dee. Motion carried 3-0.

D. Eugene J. Raschke v. B Way Construction

Charge No.: 2010CA3713 ALS No.: 11-0844

The Panel vacated Count A of the Complainant's charge and remanded Count A to the Department for further investigation. The Panel sustained the dismissal of Counts B and F of the Complainant's charge for Lack of Lack of Substantial Evidence. The Panel sustained the dismissal of Counts C, D, E, G, H and I of the Complainant's charge for Lack of Lack of Jurisdiction. Motion made by Commissioner Nabi, seconded by Commissioner Dee. Motion carried 3-0.

E. Joe Meadows v. Popeye's Chicken

Charge No.: 2011CF2333

ALS No.: 11-0857

The Panel sustained the dismissal of the charge in the above-referenced matter for Lack of Substantial Evidence and Lack of Jurisdiction. Motion made by Commissioner Nabi, seconded by Commissioner Dee. Motion carried 3-0.

F. Sharon Tadlock v. Benedictine University

Charge No.: 2011SN1636

ALS No.: 12-0025

The Panel vacated the dismissal of Counts A and B of the charge in the above-referenced matter and entered a finding of Substantial Evidence as to Counts A and B. Motion made by Commissioner Nabi, seconded by Commissioner Dee. Motion carried 3-0.

V. Motion to Enforce

Sandie Bennett v. Ray's Food Basket and Ray Ishmeal

Charge No.: 2007CN0157 / 2007CN0156

ALS No.: 07-478C

The Panel voted to grant the Motion. Motion made by Commissioner Nabi, seconded by Commissioner Dee. Motion carried 3-0.

VI. Motion to Withdraw as Counsel

A. Doris Murray v. Curry Ice & Coal of Springfield, Inc.

Charge No.: 2007SA2849

ALS No.: 10-0054

The Panel voted to grant the Petition. Motion made by Commissioner Nabi, seconded by Commissioner Dee. Motion carried 3-0

B. Carmel Adams v. Illinois Valley Plastics

Charge No.: 2008SF1323

ALS No.: S08-0559

The Panel voted to grant the Petition. Motion made by Commissioner Nabi, seconded by Commissioner Dee. Motion carried 3-0.

A. Victor Johnson v. Battaglia

Charge No.: 2008CF2475

ALS No.: 10-0841

The Panel voted to grant the Petition. Motion made by Commissioner Nabi, seconded by Commissioner Dee. Motion carried 3-0.

VII. Motion to Voluntarily Dismissal

Breanne Muir v. Alexian Brothers Medical Group, Alexian Brothers Health System, and Dr. Daniel C. O'Malley

Charge Nos.: 2010CF1504, 2010CF1503, 2010CN1505, 2010CF2495

ALS No.: 10-0835C

The Panel voted to grant the Motion. Motion made by Commissioner Nabi, seconded by Commissioner Dee. Motion carried 3-0.

VIII. Joint Motion for Voluntary Dismissal

Roger Jacobson v. National Railroad Passenger Corp. d/b/a Amtrak

Charge No.: 2002CF0428

ALS No.: 12061

The Panel voted to grant the Motion. Motion made by Commissioner Nabi, seconded by Commissioner Dee. Motion carried 3-0.

IX. Adjournment

The meeting was adjourned at 1:31 p.m. Motion made by Commissioner Nabi, seconded by Commissioner Dee. Motion carried 3-0.

Respectfully submitted,

Donyelle L. Gray
General Counsel